

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed May 20, 2005. At the time of the Office Action, Claims 1-22 were pending in the Application. Applicant amends Claims 1, 5-6, 8, 9, 13, and 17 and cancels Claims 7, 12, and 18 without prejudice or disclaimer. The amendments and cancellations to these claims are not the result of any prior art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Applicant's Gratitude

Applicant wishes to thank the Examiner for his sedulous efforts in addressing a number of issues associated with Applicant's Specification. Applicant appreciates the pressing time constraints given to the Examiner in the context of responding to a given case. The Examiner has thoroughly evaluated the Specification and, through diligence, identified a number of corrections to be made. Applicant offers his humblest apologies for the mistakes that were included in the Specification. Applicant believes that, for such a demanding case, the Examiner should be awarded two counts in his first Office Action for responding in such a professional manner.

In the Drawings

The Application was filed with informal drawings that are acceptable for examination purposes. Formal drawings for the Application have been appended to this Response. Applicant has also made a number of changes to the drawings in order to rectify certain inadequacies, which were highlighted by the Examiner. Applicant believes that the drawings are now clear and accurate in their representations. In addition, Applicant submits that the formal drawings do not add any new matter to the Application and are in full compliance with 37 C.F.R. §1.81, §1.83, and §1.84.

### Specification

The Examiner made numerous objections to the Specification relating to a number of informalities. Applicant apologizes for these clerical mistakes and has appended an amended Specification in order to address the Examiner's concern. No new matter has been entered as a result of these amendments, as they only correct minor mistakes, typographical errors, and other minor inaccuracies or discrepancies.

### Information Disclosure Statement (IDS)

Applicant submits an IDS with this Response for the Examiner's review and consideration. Applicant respectfully requests that the Examiner formally indicate that the references were considered in the prosecution of the Application.

### Claim Objections

The Examiner made numerous objections to the Claims: specifically identifying a number of typographical errors. Applicant again apologizes for these drafting imperfections. Applicant has made various corrections in order to address the Examiner's concern and, thereby, to overcome the Examiner's objections. In this regard, Applicant has also canceled Claim 12 without prejudice and disclaimer.

### Section 112 Rejections

The Examiner rejects Claim 5 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. An amendment has been made to Claim 5 in order to resolve this issue.

### Allowable Subject Matter

Turning to the substantive issues associated with the pending claims, Applicant notes with appreciation the Examiner's allowance of Claims 9-11 and 13-16. Applicant also notes with appreciation the Examiner's indication that Claims 4, 6-8, and 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any

intervening claims (See Pending Office Action, p. 10) and that Claim 5 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph.

In order to advance prosecution of this case, Applicant has amended Independent Claims 1 and 17 to incorporate the limitations of dependent Claims 7 and 18 respectively. These dependent claims recite subject matter deemed allowable by the Examiner. Hence, both of these Independent Claims are now allowable over the references of record.

Note that any amendments in this response that implicate the deemed “allowable subject matter” should not be construed as an agreement with or an acquiescence to the propriety of the purported “allowable subject matter.” Applicant reserves the right to comment on the appropriateness of the allowed subject matter designation at a future time, should Applicant deem it appropriate to do so.

#### Section 102 and 103 Rejections

The Examiner rejects Claims 1-3 under 35 U.S.C. §102(e) as being anticipated by Applicant’s admitted prior art. The Examiner rejects Claims 17 and 19-22 under 35 U.S.C. §103(a) as being unpatentable over Applicant’s admitted prior art in view of U.S. Publication No. 2002/0010865 issued to Fulton et al. (hereinafter “*Fulton*”). These rejections are now moot in light of the amendments made to the Independent Claims, which now recite subject matter indicated as allowable by the Examiner.

Accordingly, all of the pending claims have been shown to be allowable as they are patentable over the references of record. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

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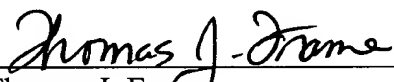
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant submits herewith a check in the amount of \$180.00 to cover the cost of the IDS filing fee. However, if this is not the case, the Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at 214.953.6675.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant

  
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Thomas J. Frame  
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Date: July 18, 2005

Customer No. **05073**